REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are directed to non-statutory subject matter under the provisions of 35 U.S.C. §101, are indefinite under the provisions of 35 U.S.C. §112, are anticipated under the provisions of 35 U.S.C. §102, or are made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 42, 44-45, 49-54, AND 56 UNDER 35 U.S.C. § 101

Claims 42, 44-45, 49-54, and 56 stand rejected under 35 U.S.C. § 101 as being allegedly directed to more than one class of statutory subject matter. In response, the Applicants have amended claims 42, 44, 49-50, and 56 in order to more clearly recite aspects of the invention.

In particular, claim 42 has been amended to recite a computer readable storage medium configured to perform steps "further comprising associating a rationale with each of the user responses," replacing an "argument server ... further configured to associate a rationale with each of the user responses."

Claim 44 has been amended to recite a computer readable storage medium configured to perform steps "further comprising: allowing one or more of the plurality of users to generate and associate comments ...," replacing "argument server ... further configured to allow one or more of the plurality of users to generate and associate comments ...."

Claim 49 has been amended to recite a computer readable storage medium configured to perform steps "further comprising: automatically answering a parent query ...," replacing "argument server ... further configured to automatically answer a parent query ...."

Claim 50 has been amended to recite a computer readable storage medium configured to perform steps "further comprising: allowing more than one response ...," replacing "argument server ... further configured to allow more than one response ...."

Claim 56 has been amended to recite a computer readable storage medium

configured to perform steps "further comprising: allowing a creation of a new template ...," replacing "argument server ... further configured to allow creation of a template ...."

The Applicants respectfully submit that these amendments clearly direct claims 42, 44, 49-50, and 56 to one statutory class of subject matter, namely, a computer readable storage medium. Thus, the Applicants respectfully submit that claims 42, 44, 49-50, and 56, as amended, clearly satisfy the requirements of 35 U.S.C. §101 and are patentable thereunder.

Claims 45 and 51-54 depend, respectively, from claims 44 and 49 and recite at least all of the features recited in claims 44 and 49. As such, and for at least the same reasons stated above with respect to claims 44 and 49, the Applicants respectfully submit that claims 45 and 51-54 also clearly satisfy the requirements of 35 U.S.C. §101 and are patentable thereunder. Accordingly the Applicants respectfully request that the rejection of claims 42, 44-45, 49-54, and 56 under 35 U.S.C. §101 be withdrawn.

II. REJECTION OF CLAIMS 39 AND 41-56 UNDER 35 U.S.C. § 112

A. Claims 42, 44-45, 49-54, and 56

Claims 42, 44-45, 49-54, and 56 stand rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. In response, the Applicants have amended claims 42, 44, 49-50, and 56 in order to more clearly recite aspects of the invention.

In particular, claims 42, 44, 49-50, and 56 have been amended as discussed above to remove the references to "apparatus structures." The Applicants respectfully submit that these amendments clearly define the scope of claims 42, 44, 49-50, and 56, which are directed to a computer readable storage medium. Thus, the Applicants respectfully submit that claims 42, 44, 49-50, and 56, as amended, clearly satisfy the requirements of 35 U.S.C. §112, second paragraph and are patentable thereunder.

Claims 45 and 51-54 depend, respectively, from claims 44 and 49 and recite at least all of the features recited in claims 44 and 49. As such, and for at least the same reasons stated above with respect to claims 44 and 49, the Applicants respectfully submit that claims 45 and 51-54 also clearly satisfy the requirements of 35 U.S.C. §112, second paragraph and are patentable thereunder. Accordingly the Applicants

respectfully request that the rejection of claims 42, 44-45, 49-54, and 56 under 35 U.S.C. §112, second paragraph be withdrawn.

B. Claims 39 and 41-56

Claims 39 and 41-56 stand rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. The Applicants respectfully traverse the rejection.

With respect to claim 39, the Examiner alleges that "it's not clear the relationship of the new step 'presenting to the user at least one discovery tool that links ...' to the rest of the steps of the claims or to the body of the claim" (Office Action, Page 8). The Applicants respectfully disagree.

The applicants note that the remainder of the limitation quoted by the Examiner recites " ... to an external data source to facilitate responding to at least one of the plurality of queries" (emphasis added). The immediately preceding limitation recites "displaying said plurality of queries to the user" (emphasis added). Thus, the "presenting" step is clearly linked to at least the "displaying" step in that the "presenting" step provides the user with resources that may be helpful in responding to the queries displayed in the "displaying" step. As such, the Applicants respectfully submit that claim 39 does not omit any essential functional cooperative relationships among the recited steps and therefore clearly satisfies the requirements of 35 U.S.C. §112, second paragraph.

Claims 41-56 depend from claim 39 and recite at least all of the features recited in claim 39. As such, and for at least the same reasons stated above with respect to claim 39 the Applicants respectfully submit that claims 41-56 also clearly satisfy the requirements of 35 U.S.C. §112, second paragraph and are patentable thereunder. Accordingly the Applicants respectfully request that the rejection of claims 39 and 41-56 under 35 U.S.C. §112, second paragraph be withdrawn.

III. REJECTION OF CLAIMS 20, 22-35, AND 37-38 UNDER 35 U.S.C. § 102

The Examiner has rejected claims 20, 22-35, and 37-38 under 35 U.S.C. §102(a) as being anticipated by the Grosser et al. patent (United States Patent No. 6,826,552,

issued November 30, 2004, hereinafter "Grosser"). Although the Applicants disagree with the rejection, the Applicants have nevertheless amended independent claim 20 in order to more clearly recite aspects of the present rejection.

The Applicants note that the Examiner acknowledges on Page 12 of the Office Action that Grosser fails to teach steps including "displaying a plurality of queries to the user wherein each has a categorical scale of likelihood; receive from the user supporting evidence in response to the one or more queries, the supporting evidence being relied on by the user to form at least one of the one of more responses; associate the supporting evidence received from said user with at least one of the one or more responses." All of these steps are clearly recited in independent claim 20.

Specifically, independent claim 20 recites:

20. A method for accessing or generating an argument supporting a conclusion for a given situation, the method comprising:

using a processor to perform steps comprising:

presenting to a user a plurality of searchable templates, wherein a subset of the plurality of searchable templates is relevant to the given situation;

receiving from said user a selection of one of said plurality of searchable templates from said subset that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation and including a plurality of queries;

displaying said plurality of queries to said user, wherein each of said plurality of queries has a categorical scale of likelihood regarding whether the given situation will likely have a negative or positive result, the categorical scale of likelihood being represented by a plurality of potential responses, said categorical scale of likelihood being associated with said plurality of potential responses before said plurality of queries is displayed to said user;

presenting to the user at least one discovery tool that links to an external data source to facilitate responding to at least one of the plurality of queries;

receiving from said user one or more user responses to said plurality of queries, where each of said one or more user responses is selected from the plurality of potential responses such that each of the user responses indicates a likelihood of a negative or positive result for an associated one of the plurality of queries;

receiving from said user supporting evidence in response to said plurality of queries, the supporting evidence being relied on by the user to form at least one of the one or more user responses;

associating said supporting evidence received from said user with at least one of said plurality of queries for which a user response has been received;

evaluating said one or more user responses, in accordance with the likelihood of a negative or positive result indicated by each of said one or more user responses, such that said one or more user responses collectively support a conclusion indicating whether the given situation will likely have a positive or negative result;

forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant template, the one or more user responses, the supporting evidence, and the conclusion; and

publishing said argument, including said relevant template, said one or more user responses, said supporting evidence, and said conclusion, for review,

wherein at least one of: said presenting to a user a plurality of searchable templates, said receiving from said user a selection, said displaying said plurality of queries, said presenting to the user at least one discovery tool, said receiving from said user one or more user responses, said receiving from said user supporting evidence, said associating, said evaluating, said forming, or said publishing is performed using a processor. (Emphasis added)

Since Grosser fails to disclose at least the limitations indicated by the Examiner, the Applicants respectfully submit that Grosser fails to anticipate independent claim 20. The Examiner alleges, however, that because independent claim 20 recites using a processor to perform these steps, that the steps essentially recite nothing more than an "intended use" for the processor and therefore do not have patentable weight. The Applicants respectfully disagree.

The recitation of using a processor, or performing at least one of the steps using a processor, was added to comply with the requirements of 35 U.S.C. §101. In particular, the Examiner stated in the Final Office Action mailed June 18, 2009 that "in order for a method to be considered a 'process' under §101, a claimed process must: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials)" (Final Office Action, Page 8). The use of the processor tied the claimed steps to a "particular apparatus." The Examiner appears to have agreed, since independent claim 20 is no longer rejected under 35 U.S.C. §101.

However, as stated above, the Examiner now alleges that the use of the processor renders the recited steps nothing more than "intended use." The Applicants respectfully submit that, if this is true, then a method claim that is tied to a "particular

apparatus" can never satisfy 35 U.S.C. §102 unless the particular apparatus itself is novel. By the Examiner's logic, the steps of a method will always be "intended use" for the particular apparatus. Hence, the Examiner's argument creates a cycle of rejections from which there can be no way out. Specifically, the Examiner's argument makes it virtually impossible for a method claim to satisfy both 35 U.S.C. §101 (as tied to a particular apparatus) and 35 U.S.C. §102. This simply cannot be true, as method claims are clearly defined as a statutory class of subject matter.[1]

Since the recited steps of independent claim 20 are deserving of patentable weight, and since Grosser fails to disclose all of the steps recited in independent claim 20, the Applicants respectfully submit that independent claim 20 is not anticipated by Grosser. Thus, independent claim 20 fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder.

Dependent claims 22-35 and 37-38 depend from independent claim 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 22-35 and 37-38 are also not anticipated by Grosser. Therefore, the Applicants submit that dependent claims 22-35 and 37-38 also fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Accordingly, the Applicants respectfully request that the rejection of claims 20, 22-35 and 37-38 under 35 U.S.C. § 102 be withdrawn.

IV. REJECTION OF CLAIMS 39 AND 41-56 UNDER 35 U.S.C. § 103

The Examiner has rejected claims 39 and 41-56 under 35 U.S.C. §103(a) as being unpatentable over the Grosser et al. patent (United States Patent No. 6,826,552, issued November 30, 2004, hereinafter "Grosser") in view of the Kegan patent (United States Patent No. 5,819,248, issued October 6, 1998, hereinafter "Kegan") and/or the Huang patent (United States Patent No. 5,953,707, issued September 14, 1999, hereinafter "Huang"). The Applicants respectfully traverse the rejection.

In particular, the Applicants respectfully submit that Grosser, Kegan, and Huang,

[1] "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." 35 U.S.C. §101, emphasis added.

singly or in any permissible combination, fail to disclose or suggest the novel invention of a system for generating and publishing an argument supporting an associated conclusion, wherein queries comprising an argument template have categorical scales of likelihood represented by a plurality of potential responses, such that any response selected by a user will indicate a likelihood of a given situation having a positive or negative result, as recited by Applicants' independent claim 39.

The Examiner acknowledges in the Office Action that Grosser fails to teach steps including "displaying a plurality of queries to the user wherein each has a categorical scale of likelihood" (Office Action Page 12). The Examiner alleges, however, that this gap in the teachings of Grosser is bridged by Kegan. The Applicants respectfully disagree.

By contrast, the alleged combination (as taught by Kegan) at best teaches that a user may predict the likelihood that a finder of fact will accept a particular fact as true (*See, e.g.*, Kegan, column 8, lines 45-49). This probability is not represented as a categorical scale, however, but rather as a "set [percentage]." Moreover, the probability does not represent the likelihood of a negative or positive result, but merely the likelihood that a given fact will be accepted as true (acceptance as truth is not necessarily positive or negative). In addition, the probability is not associated with the fact before the fact is presented to the user (*i.e.*, pre-defined), but rather is actually chosen by the user after the fact has been presented or introduced. Thus, the probability is entirely subjective and will vary from user to user.

Thus, Kegan fails to bridge the admitted gap in the teachings of Grosser. Huang likewise fails to disclose or suggest queries that have categorical scales of likelihood represented by a plurality of potential responses, such that any response selected by a user will indicate a likelihood of a given situation having a positive or negative result. Thus, Grosser in view of Kegan and/or Huang fails to render this feature unpatentable.

The Applicants' claims clearly recite a method and apparatus in which potential responses to a template query represent a categorical scale of likelihood with respect to the query, the likelihoods indicating whether a given situation will likely have a positive or negative result. As described, for example, in paragraph [0056] of the Applicants'

Specification, each potential response therefore reflects a level of risk or opportunity. Specifically, independent claim 39 recites:

39. A computer readable storage medium containing executable program instructions for accessing or generating an argument supporting a conclusion for a given situation, the instructions causing a processor to perform steps comprising:

presenting to a user a plurality of searchable templates, wherein a subset of the plurality of searchable templates is relevant to the given situation;

receiving from said user a selection of one of said plurality of searchable templates from said subset that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation and comprising a plurality of queries;

displaying said plurality of queries to the user, wherein each of the plurality of queries has a categorical scale of likelihood regarding whether the given situation will likely have a negative or positive result, the categorical scale of likelihood being represented by a plurality of potential responses, said categorical scale of likelihood being associated with said plurality of potential responses before said plurality of queries is displayed to said user;

presenting to the user at least one discovery tool that links to an external data source to facilitate responding to at least one of the plurality of queries;

receiving from said user one or more user responses to plurality of queries of the relevant template, where each of said one or more user responses is selected from the plurality of potential responses such that each of the user responses indicates a likelihood of a negative or positive result for an associated one of the plurality of queries;

receiving from said user supporting evidence in response to said plurality of queries, the supporting evidence being relied on by the user to form at least one of the one or more user responses;

associating said supporting evidence received from said user with at least one of the plurality of queries for which a user response has been received;

evaluating said one or more user responses, in accordance with the likelihood of a negative or positive result indicated by each of said one or more user responses, such that said one or more user responses collectively support a conclusion indicating whether the given situation will likely have a positive or negative result;

forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant template, the one or more user responses, the supporting evidence, and the conclusion; and

publishing said argument, including said relevant template, said one or more user responses, said supporting evidence, and said conclusion, for review. (Emphasis added)

As discussed above, Grosser, Kegan, and Huang, singly or in any permissible combination, fail to disclose or suggest the novel invention of a system for generating

and publishing an argument supporting an associated conclusion, wherein queries comprising an argument template have categorical scales of likelihood represented by a plurality of potential responses, such that any response selected by a user will indicate a likelihood of a given situation having a positive or negative result, as recited by Applicants' independent claim 39. Accordingly, the Applicants submit that for at least the reasons set forth above, independent claim 39 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

Dependent claims 41-56 depend from independent claim 39 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 41-56 are not made obvious by the teachings of Grosser in view of Kegan and/or Huang. Therefore, the Applicants submit that dependent claims 41-56 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Accordingly, the Applicants respectfully request that the rejection of claims 39 and 41-56 under 35 U.S.C. § 103 be withdrawn.

V. CONCLUSION

Thus, the Applicants submit that all of the presented claims fully satisfy the requirements of 35 U.S.C. §101, 35 U.S.C. §112, 35 U.S.C. §102, and 35 U.S.C. §103. Consequently, the Applicants believe that all of the presented claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 842-8110 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Date

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